

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SimpleAir, Inc.,

Plaintiff,

vs.

Microsoft Corporation, et al.,

Defendants.

CASE NO. 2:11-cv-416-JRG

JURY DEMANDED

**Joint Motion to Dismiss Without Prejudice Claims
Against LG Electronics Mobilecomm U.S.A., Inc.**

Plaintiff SimpleAir, Inc. ("SimpleAir") and Defendant LG Electronics Mobilecomm U.S.A., Inc. ("LGEMU") respectfully move the Court to dismiss without prejudice SimpleAir's claims against LGEMU in the above captioned case. Because LGEMU has a pending motion to dismiss and has thus not answered the Complaint (or the Amended Complaint) or asserted counterclaims, the requested dismissal will terminate this action as to LGEMU. The parties further move that each party shall bear its own costs, expenses, and attorneys' fees.

Date: June 27, 2013

Respectfully submitted,

By: /s/ Jeff Eichmann
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CERTIFICATE OF SERVICE

I hereby certify that the all counsel of record who are deemed to have consented to electronic service are being served this 27th day of June 2013, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Jeff Eichmann

John Jeffrey Eichmann